



INSTRUCTIONS

1998 KENTUCKY CORPORATION INCOME AND LICENSE TAX RETURN

1998 KENTUCKY LAW CHANGES

Internal Revenue Code Reference Date—Effective for taxable years beginning after December 31, 1996, the "Internal Revenue Code" (IRC) for Kentucky income tax purposes means the IRC in effect on December 31, 1997, exclusive of any amendments made subsequent to that date, other than amendments which (1) provide for changes in accounting methods or (2) extend provisions in effect on December 31, 1997, that would otherwise terminate.

Kentucky Investment Fund Tax Credit—The Kentucky Investment Fund was established, and the Kentucky Economic Development Finance Authority (KEDFA) was authorized to certify investment funds, investment fund managers and cash contributions on or after July 1, 1999. Effective for taxable years beginning after December 31, 1998, an investor (corporation or individual) whose cash contribution to an investment fund has been certified by KEDFA is entitled to a nonrefundable credit against Kentucky individual income tax, corporation income tax or corporation license tax equal to 40 percent of the cash contribution. The amount of credit an investor may claim in any taxable year is limited to 25 percent of the total amount of credit certified by the authority as available to the investor. Any excess credit that may be claimed in any given year over the investor's combined income and license tax liabilities for the year may be carried forward. No credit may extend beyond 15 years of the initial certification.

Skills Training Investment Tax Credit—A taxpayer (corporation or individual) who has received a final authorizing resolution from the Bluegrass State Skills Corporation is entitled to a nonrefundable credit against Kentucky individual or corporation income tax. The credit is equal to 50 percent of the approved cost incurred in connection with the company's occupational or skills upgrade training program. The credit shall not exceed \$500 per employee and \$100,000 per approved company per biennium. The excess credit over the company's income tax liability in the year approved may be carried forward for three successive taxable years. For information regarding the application and approval process for this credit, contact the Cabinet for Economic Development, Bluegrass State Skills Corporation at (502) 564-2021.

Limited Liability Companies (LLC)—KRS 141.208 was amended to clarify that an LLC is to be treated in the same manner for Kentucky income tax purposes as it is treated for federal income tax purposes.

Real Estate Investment Trust (REIT)—KRS 141.010(14) was amended to define "taxable net income" of a corporation that is a REIT under IRC Section 856 to mean "real estate investment trust taxable net income" as defined in IRC Section 857(b)(2). This change is effective for taxable years ending after July 15, 1998.

GENERAL INFORMATION

Who Must File—A Kentucky Corporation Income and License Tax Return, Form 720, must be filed by every corporation (a) organized under the laws of Kentucky, (b) having its commercial domicile in Kentucky, (c) owning or leasing property in Kentucky, (d) having one or more individuals employed or subject to unemployment insurance tax in Kentucky or (e) which is a partner in a partnership doing business in Kentucky. **KRS 141.200 and KRS 136.090**

Foreign Sales Corporations (FSCs) and interest-deferred or interest-charged Domestic International Sales Corporations (DISCs) are subject to Kentucky income and license tax to the same extent as other corporations (see Revenue Policy 41P250 for a discussion).

Additionally, certain organizations which must file special returns for federal purposes, e.g., homeowners associations, political organizations, real estate investment trusts and regulated investment companies must file Form 720.

Corporations Not Required to File—Corporations which are exempt by law from Kentucky income tax include financial institutions as defined in KRS 136.500, insurance companies, savings and loan associations, corporations exempted by IRC Section 501 and religious, educational, charitable and like corporations not conducted for profit. **KRS 141.040**

Corporations which are exempt by law from Kentucky income tax are also exempt from Kentucky license tax. In addition, public service companies subject to ad valorem tax under KRS 136.120, certified alcohol production facilities and certified fluidized bed energy production facilities are exempt from Kentucky license tax. An LLC is not subject to Kentucky license tax. A corporation doing business in Kentucky solely as a partner in a partnership is not subject to the Kentucky license tax. **KRS 136.070**

Required Forms and Information—Each corporation must enter all applicable information on Form 720, attach a schedule for each line item or line item instruction which states "attach schedule," and the following forms or schedules, if applicable:

Kentucky Forms and Schedules

1. Form 722—Election to File Consolidated Kentucky Corporation Income Tax Return
2. Form 851-K—Kentucky Affiliations and Payment Schedule
3. Schedule A—Apportionment and Allocation
4. Form 41A720SL—Application for Six-Month Extension of Time to File

Required Federal Forms and Schedules

All corporations **must** provide a copy of the following federal forms submitted to the Internal Revenue Service:

1. Form 1120, Page 1—If Form 1120 is not filed, attach a copy of the income statement of the federal form filed.
2. Form 1120, Page 4, Schedule L, Balance Sheet—If Form 1120 is not filed, attach a copy of the balance sheet portion of the federal form filed. If the corporation is not required to submit a balance sheet for federal income tax purposes, attach the balance sheet prepared from the books and records of the corporation used to complete Form 720, Part III—License Tax Computation.
3. Form 851—Affiliations Schedule
4. Form 4797—Sales of Business Property
5. Schedule D—Capital Gains and Losses
6. Form 5884—Work Opportunity Credit
7. Schedules for items on Form 1120, Schedule L, which state "attach schedule."

Substitute Forms—Any form to be used in lieu of an official Revenue Cabinet form must be submitted to the Cabinet for prior approval.

Accounting Procedures—Kentucky income tax law requires a corporation to report income on the same calendar or fiscal year and to use the same methods of accounting required for federal income tax purposes. Any federally approved change in accounting periods or methods must be reported to the Revenue Cabinet. Attach a copy of the federal approval to the return when filed. **KRS 141.140**

Filing/Payment Date—A corporation return must be filed and payment must be made on or before the 15th day of the fourth month following the close of the taxable year. Mail the return with payment to Kentucky Revenue Cabinet, Frankfort, KY 40620. Make the check payable to **Kentucky State Treasurer**. **KRS 141.160 and KRS 141.220**

If the filing/payment date falls on a Saturday, Sunday or a legal holiday, the filing/payment date is deemed to be on the next business day. **KRS 446.030(1)(a)**

Extensions—An extension of time to file a corporation income and license tax return may be obtained by either making a specific request to the Revenue Cabinet or attaching a copy of the federal extension to the return when filed. **A copy of the federal extension submitted after the return is filed does not constitute a valid extension, and late filing penalties will be assessed.** For further information, see the instructions for Form 41A720SL. **Regulation 103 KAR 15:050**

NOTE: An extension of time to file a return does not extend the date for payment of tax.

Estimated Tax Payments—Estimated tax payments must be made by each corporation whose income tax liability for the taxable year can reasonably be expected to exceed \$5,000. In general, the first estimated tax payment must be made by the 15th day of the sixth month of the taxable year. To determine the amount of the first payment, subtract \$5,000 from the estimated full-year tax liability, and divide the result by two. The remaining one-half is due in equal installments on the 15th day of the ninth and 12th month, respectively. The prior year's income tax liability is not a factor in determining whether estimated payments are required. **KRS 141.044**

Failure to pay estimated tax installments equal to the amount determined by subtracting \$5,000 from 70 percent of the total income tax liability shown on the return for the taxable year will result in the assessment of an underpayment penalty. The amount of the penalty is 10 percent of the amount of the underpayment, but not less than \$25. **KRS 131.180(3) and KRS 141.990(3)**

The **Corporation Estimated Income Tax Voucher, Form 720ES**, is used to submit estimated tax payments. If the corporation is required to make estimated tax payments but did not receive Form 720ES, contact the Revenue Cabinet at (502) 564-8139.

Amended Return—Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return, is available for filing an amended return. Use Form 720X to correct Form 720 and/or Form 720L. This form may be obtained from the Revenue Cabinet.

Internal Revenue Service Audit Adjustments—A corporation which has received final adjustments resulting from Internal Revenue Service audits must submit a copy of the "final determination of the federal audit" within 30 days of the conclusion of the federal audit. Use Form 720X for reporting federal audit adjustments and computing additional tax due or refunds. Any refund claim resulting from a federal audit adjustment must be filed within the four-year period provided by KRS 141.235 or within six months from the conclusion of the federal audit, whichever is later.

Interest—Interest at the tax interest rate is applied to corporation income and license tax liabilities not paid by the date prescribed by law for filing the return (determined without regard

to extensions thereof). The tax interest rate for 1999 is published in the January 1999 **Kentucky Tax Alert**, or you may contact the Revenue Cabinet at (502) 564-8139 to obtain the tax interest rate.

Penalties

Failure to file an income and license tax return by the filing date including extensions—2 percent of the tax due for each 30 days or fraction thereof that the return is late (maximum 20 percent). The minimum penalty is \$10. **KRS 131.180(1)**

Failure to pay income or license tax by the payment date— 2 percent of the tax due for each 30 days or fraction thereof that the payment is overdue (maximum 20 percent). The minimum penalty is \$10. **KRS 131.180(2)**

Late payment or underpayment of estimated tax—10 percent of the late payment or underpayment. The minimum penalty is \$25. **KRS 131.180(3)**

Failure or refusal to file an income and license tax return or furnish information requested in writing—5 percent of the tax assessed for each 30 days or fraction thereof that the return is not filed or the information is not submitted (maximum 50 percent). The minimum penalty is \$25. **KRS 131.180(4)**

Negligence—10 percent of the tax assessed. **KRS 131.180(7)**

Fraud—50 percent of the tax assessed. **KRS 131.180(8)**

Cost of Collection Fees—20 percent on all taxes which become final, due and owing. These collection fees are in addition to all other penalties provided by law. **KRS 131.440**

FORM 720—SPECIFIC INSTRUCTIONS

Period Covered—File the 1998 return for calendar year 1998 and fiscal years that begin in 1998. For a fiscal year, fill in the tax year space at the top of the form. Failure to enter a taxable period may result in a request for a delinquent return.

Item A—The applicable boxes must be checked to identify the corporation's filing status.

Income Tax Filing Status

Separate entity—Check this box if the income tax return is filed on a separate entity basis.

A corporation is required to file a separate entity income tax return unless for any part of the taxable year it is a member of an affiliated group electing to file a consolidated return. **KRS 141.200(2)**

Consolidated—Check this box if the corporation is the common parent of an affiliated group filing a consolidated income tax return.

KRS 141.200(3) allows an affiliated group to elect to file a consolidated Kentucky income tax return with the election being binding for eight years. Form 722, Election to File Consolidated Kentucky Corporation Income Tax Return, must be submitted to the Revenue Cabinet with the return timely filed for the first taxable year for which the election is made. The election must be made by the common parent corporation on behalf of all members of the affiliated group. "Affiliated group" means affiliated group as defined in Section 1504(a) of the IRC and related regulations. If a consolidated return is filed, a copy of federal Form 851, Affiliations Schedule, and Kentucky Form 851-K, Kentucky Affiliations and Payment Schedule, must be attached. **Regulation 103 KAR 16:200**

KRS 141.120(11) prohibits affiliated corporations from filing a combined Kentucky corporation income tax return using the unitary business concept.

An election to file a consolidated income tax return does not apply to license tax. For qualifications to file a consolidated license tax return, see License Tax Filing Status below.

Return not required—Check this box and enter one of the following reason codes if the corporation is not required to file the income tax return.

**Reason
Code**

Reason

- 11 This return contains only the license tax computation. This corporation is a member of an affiliated group which filed a consolidated income tax return. **Item B must be completed by entering the name and the Kentucky Account Number of the common parent.**
- 12 This return contains only the license tax computation. The corporation is exempt from income tax in accordance with Public Law 86-272.

License Tax Filing Status

Separate entity—Check this box if the license tax return is filed on a separate entity basis.

A corporation is required to file a separate entity license tax return except as provided in KRS 136.071. **KRS 136.090**

In any case where two or more corporations merge, consolidate or otherwise combine into a single corporation after the close of the taxable year, but before the beginning of the succeeding taxable year, all factors used to determine the corporation license tax liability of the surviving corporation shall be computed on the basis of the consolidated accounting records of such corporations. Attach a schedule listing the corporations included in the return. **KRS 136.100(3)**

Consolidated—Check this box if the corporation qualifies and computes capital employed on a consolidated basis in accordance with KRS 136.071.

A corporation domiciled in Kentucky which holds stock or securities in other corporations equal to or greater than 50 percent of its total assets (investment ratio) may file a consolidated license tax return with all corporations (except those corporations exempt from tax under KRS 136.070) in which it owns directly or indirectly more than 50 percent of the corporation's outstanding stock. Attach a schedule listing the corporations included in the license tax return and the computation of the investment ratio. Attach a consolidated balance sheet (prepared in columnar form) for the corporations included in the consolidated license tax return. **KRS 136.071**

Return not required—Check this box and enter one of the following reason codes if the corporation is not required to file the license tax return.

**Reason
Code**

Reason

- 21 License tax is not due. This corporation is a public service company subject to taxation under KRS 136.120.
- 22 License tax is not due. The net income tax liability is computed on a short-period basis due to a change in ownership or a change to S corporation election without a change in accounting period (see **Item F** if a short-period return is filed).
- 23 This return contains only the income tax computation. This corporation is the common parent of an affiliated group which filed a consolidated income tax return, but is not organized in Kentucky, does not have its commercial domicile in Kentucky, and does not own or lease property or have individuals receiving compensation in Kentucky.
- 24 This return contains only the income tax computation. This corporation is a nonparent member of a group

which filed a consolidated license tax return in accordance with KRS 136.071. **Item B must be completed by entering the name and the Kentucky Account Number of the parent.**

- 25 This return contains only the income tax computation. This corporation carries on business in Kentucky only as a partner in a partnership.
- 26 This entity is unincorporated and is therefore not subject to license tax (see Revenue Policy 41P600).

Name and Address—Print or type the corporation's name as set forth in the charter. For the address, include the suite, room or other unit number after the street address. If the U.S. Postal Service does not deliver mail to the street address and the corporation has a P.O. box, show the box number instead of the street address (see **Item F** if a change in address has occurred).

Telephone Number—Enter the business telephone number of the principal officer or chief accounting officer signing this return.

Kentucky Business Code Number—Enter the principal business activity code number listed in the federal Form 1120 instructions that best describes the principal business activity in Kentucky. **Note:** The Kentucky and federal business code numbers entered on Form 720 may be different if the principal business in Kentucky varies from the principal business outside Kentucky. Enter a brief description of the Kentucky activity in the appropriate box next to the Kentucky Business Code Number.

Item B—See Reason Codes 11 and 24 under Item A.

Item C—Enter the six-digit Kentucky Account Number in the appropriate box at the top of each form and schedule and on all checks and correspondence.

Prior to doing business in Kentucky, each corporation should complete a Kentucky Tax Registration Application, Revenue Form 10A100. The application is available at Kentucky Taxpayer Service Centers (see page 8) or from the Revenue Cabinet, Taxpayer Registration Section, Frankfort, KY 40620 (see Revenue Circular 10C030). The application may be faxed to (502) 227-0772.

If the account number is lost, please telephone (502) 564-8139.

Item D—Enter the corporation's Federal Identification Number. See federal Publication 583 if the corporation has not obtained this number.

Item E—Enter the corporation's federal principal business activity number from the instructions to Form 1120.

Item F—If any of the following conditions are applicable, please check the appropriate box:

- (a) This return is the corporation's initial return. Complete questions 1, 2 and 3 on Form 720, page 2, Schedule Q, Kentucky Corporation Questionnaire.
- (b) This return is the corporation's final return, i.e., the corporation dissolved, withdrew its qualification, or otherwise ceased to do business in Kentucky during the taxable period.
- (c) This return is a short-period return. **Submit an explanation for the short-period return.**
- (d) A change in name or address has occurred. **Submit a copy of the amendment of the articles of incorporation for a name change.**

PART I—TAXABLE INCOME COMPUTATION

Line 1—Enter the amount of federal taxable income in accordance with the following instructions:

- (a) **Separate Entity Kentucky Return/Separate Entity Federal Return**—If this is a separate entity income tax return and the corporation filed a separate entity federal income tax return for the taxable year, enter the amount from Line 28 of Form 1120, or Line 24 of Form 1120A. **Attach a copy of Form 1120, page 1, or Form 1120A, page 1.**
- (b) **Separate Entity Kentucky Return/Consolidated Federal Return**—If this is a separate entity income tax return and the corporation participated in a consolidated federal income tax return for the taxable year, enter the amount from Line 28 of the pro forma Form 1120 prepared on a separate entity basis. **Attach a copy of the pro forma Form 1120, page 1.**
- (c) **Consolidated Kentucky Return/Consolidated Federal Return**—If this is a consolidated income tax return and the corporations participated in a consolidated federal income tax return for the taxable year, enter the amount from Line 28 of the consolidated Form 1120. If the consolidated federal return includes a corporation which is exempt from Kentucky income tax, an adjustment to exclude the income or loss of the corporation must be made on Line 6 or 12. See instructions for Lines 6 and 12. **Attach a copy of Form 1120, page 1.**
- (d) **Consolidated Kentucky Return/Separate Entity Federal Return**—If this is a consolidated income tax return and no member of the affiliated group participated in a consolidated federal income tax return for the taxable year, enter the amount from Line 28 of the pro forma Form 1120 prepared on a consolidated basis including all members of the affiliated group as defined in Section 1504(a) of the IRC and related regulations except any corporation exempt from Kentucky income tax. **Attach a copy of the pro forma Form 1120, page 1.**

Special Returns—If the corporation is an organization which filed a special return for federal purposes (e.g., 1120H, 1120POL), enter the amount from the line on the special return which is comparable to Line 28 (Form 1120), federal taxable income. **Attach pages of form comparable to pages 1 and 4 of Form 1120.**

REIT Returns—Enter the amount from Line 21d, Form 1120-REIT adjusted to add back any net operating loss deduction reflected on Line 21a, Form 1120-REIT.

Corporations Doing Business in Kentucky Solely as a Partner in a Partnership—If during the taxable period the corporation was not organized under the laws of Kentucky, was not commercially domiciled in Kentucky and neither owned or leased tangible property nor had employees in Kentucky but was a partner in a partnership doing business in Kentucky, skip Lines 1 through 13 and follow the instructions under Line 14 for "Corporations Doing Business in Kentucky Solely as a Partner in a Partnership." **KRS 141.206**

Additions to Federal Taxable Income—Lines 2 through 6 itemize items of additional taxable income or unallowed deductions which are differences between federal taxable income and Kentucky taxable net income.

Line 2—Enter interest income from obligations of states other than Kentucky and the political subdivisions of states other than Kentucky. **KRS 141.010(12)(c)**

Line 3—Enter state taxes measured in whole or in part by gross or net income. "State" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States or any foreign country or political subdivision thereof (see Revenue Policies 41P100, 41P110, 41P120 and 41P121). Attach a schedule reflecting the total taxes deducted on Form 1120. **KRS 141.010(13)(a)**

Line 4—Enter safe harbor lease adjustments (see Revenue Circular 41C020). Attach a schedule. **KRS 141.010(12)(h) and (13)(e)**

Line 5—Enter deductions attributable to income which is exempt from taxation. Any expense related directly or indirectly to the

acquisition, management or disposition of assets, the income from which is exempt, is not deductible. The related expense adjustment is required regardless of whether any income was actually received or accrued during the taxable year (see Revenue Policy 41P150). Attach a schedule. **KRS 141.010(13)(d)**

Line 6—Enter other differences which result in additions to federal taxable income in computing Kentucky taxable net income:

- (a) Corporations that carried on transactions with stockholders of affiliated corporations directly or indirectly shall increase the net income of the corporation to an amount that would result if the transactions were carried on at arm's length. **KRS 141.205**
- (b) To determine the allowable depletion or contribution deductions for Kentucky purposes, the percentage limitations provided by the IRC must be applied to Kentucky gross/net income rather than federal gross/net income (see Revenue Policy 41P070). **KRS 141.050**
- (c) Ignore the provisions of IRC Section 281, Terminal Railroad Corporations and Their Shareholders. **KRS 141.010(12)(g)**
- (d) The passive activity loss limitation rules of IRC Section 469 as they apply to personal service corporations and closely held C corporations are applicable for Kentucky income tax purposes. However, because of the differences listed above, the amounts of income and deductions used to determine passive activity losses for Kentucky may differ from the amounts used for federal income tax purposes. Therefore, corporations subject to the passive activity loss limitations must file federal Form 8810, Corporate Passive Activity Loss and Credit Limitations, using Part I and appropriate worksheets, reflecting the allowable passive activity loss(es) for Kentucky purposes. See instructions for federal Form 8810.
- (e) Any difference in the gain (loss) upon disposition of intangible assets resulting from a difference between the accumulated federal amortization deduction and the accumulated Kentucky amortization deduction. **Regulation 103 KAR 15:090**
- (f) If this return is a consolidated return and Line 28 of the consolidated Form 1120 includes the federal taxable loss of a corporation which is exempt from Kentucky income tax (exempt corporation), include the federal taxable loss of the exempt corporation on this line. If the consolidated Form 1120 includes more than one exempt corporation, combine the federal taxable income (loss) of all exempt corporations (attach schedule). If the result is a net loss, include the amount on this line. If the result is a net income, see Item (g) of Line 12 instructions. **KRS 141.200, Regulation 103 KAR 16:200**
- (g) Include one-twelfth of the transition amount if: (1) the transition amount (income) exceeded \$5,000,000; (2) included Section 338 property; and (3) the corporation elected the provisions of KRS 141.0101(14)(a). Attach a copy of the 1994 Form 762TS. **KRS 141.0101(14)(a)**

Line 7—Enter the total of Lines 1 through 6.

Subtractions from Federal Taxable Income—Lines 8 through 12 itemize items of income which are excluded or additional deductions allowed which are differences between federal taxable income and Kentucky taxable net income.

Line 8—Enter the amount of interest income from U. S. government bonds or from securities issued by a federal agency or other income exempt from state taxation by the Kentucky Constitution, the United States Constitution or the United States Code. Securities which are merely guaranteed by the U.S. government are not tax-exempt. Attach a schedule listing the type of obligation and the amount of tax-exempt interest (see Revenue Circular 40C003 for a tax status listing). **KRS 141.010(12)(a)**

Line 9—Enter the amount of dividend income from Form 1120. **KRS 141.010(12)(b)**

Line 10—Enter the amount of the work opportunity credit reflected on federal Form 5884. For Kentucky purposes, the corporation may deduct the total amount of salaries and wages paid or incurred for the taxable year (see Revenue Policy 41P090).

Line 11—Enter safe harbor lease adjustments (see Revenue Circular 41C020). Attach a schedule. **KRS 141.010(12)(h) and (13)(e)**

Line 12—Enter other differences which result in subtractions to federal taxable income in computing Kentucky taxable net income:

- (a) 50 percent of the gross royalty income derived from any disposal of coal with a retained economic interest defined by IRC Section 631(c) and all IRC Section 272 expenses if the corporation elects not to use percentage depletion. A deduction is allowed for cost depletion and other expenses not classified as IRC Section 272 expenses for federal income tax purposes (see Revenue Policy 41P080). **KRS 141.010(12)(d)**
- (b) The value of leasehold interest of property donated to a charitable organization which is to be used to provide living quarters for a homeless family. This deduction is a special deduction allowed for Kentucky in addition to the ordinary charitable contribution deduction allowed by Chapter 1 of the IRC. However, in accordance with KRS 141.010(13)(d), the same item may not be deducted more than once. **KRS 141.0202**
- (c) Any difference in the gain (loss) upon disposition of intangible assets resulting from a difference between the accumulated federal amortization deduction and the accumulated Kentucky amortization deduction. **Regulation 103 KAR 15:090**
- (d) Ignore the provisions of IRC Section 281, Terminal Railroad Corporations and Their Shareholders. **KRS 141.010(12)(g)**
- (e) The passive activity loss limitation rules of IRC Section 469 as they apply to personal service corporations and closely held C corporations are applicable for Kentucky income tax purposes. However, because of the differences listed above, the amounts of income and deductions used to determine passive activity losses for Kentucky may differ from the amounts used for federal income tax purposes. Therefore, corporations subject to the passive activity loss limitations must file federal Form 8810, Corporate Passive Activity Loss and Credit Limitations, using Part I and appropriate worksheets, reflecting the allowable passive activity loss(es) for Kentucky purposes. See instructions for federal Form 8810.
- (f) To determine the allowable depletion or contribution deductions for Kentucky purposes, the percentage limitations provided by the IRC must be applied to Kentucky gross/net income rather than federal gross/net income (see Revenue Policy 41P070). **KRS 141.050**
- (g) If this return is a consolidated return and Line 28 of the consolidated Form 1120 includes the federal taxable income of a corporation which is exempt from Kentucky income tax (exempt corporation), include the federal taxable income of the exempt corporation on this line. If the consolidated Form 1120 includes more than one exempt corporation, combine the federal taxable income (loss) of all exempt corporations (attach a schedule). If the result is a net income, include the amount on this line. If the result is a net loss, see Item (f) of Line 6 instructions. **KRS 141.200, Regulation 103 KAR 16:200**

Line 13—Subtract Lines 8 through 12 from Line 7.

Line 14—Enter the amount from Line 13 or the amount on Schedule A, Section II, Line 8, if applicable. A corporation having property or payroll both within and without Kentucky must allocate

and apportion income to Kentucky on Schedule A (Form 720), Apportionment and Allocation. See Schedule A Instructions for information on the apportionment fraction. **KRS 141.010(14) and KRS 141.120**

Corporations Doing Business in Kentucky Solely as a Partner in a Partnership—If during the taxable period the corporation was not organized under the laws of Kentucky, was not commercially domiciled in Kentucky and neither owned or leased tangible property nor had employees in Kentucky but was a partner in a partnership doing business in Kentucky, enter the net amount of the corporation's distributive share of net income, gain, loss and deductions from Schedule K-1, Form 765, Partner's Share of Income, Credits, Deductions, Etc. In determining the net amount, each item must be multiplied by the percentage shown in Item D on Schedule K-1, Form 765. Attach Schedule K-1, Form 765.

Kentucky Net Operating Loss Deduction—The amount of net operating loss to be carried back or forward and deducted for Kentucky income tax purposes is the amount of loss determined under KRS Chapter 141. In accordance with IRC Section 172, losses incurred for tax years beginning after August 5, 1997, must first be carried back to the earliest of the two preceding years and then carried forward 20 years unless the corporation elects to relinquish the carryback period.

To elect in accordance with IRC Section 172(b)(3) to relinquish the carryback period and carry the entire loss forward, check the box in question 7 of Schedule Q, Kentucky Corporation Questionnaire, included with the Kentucky return filed for the loss year. This election is irrevocable. An election for federal purposes does not constitute an election for Kentucky purposes.

Line 15—For Kentucky purposes, the same carryback-carryforward provisions allowed by IRC Section 172 are applicable for losses incurred in taxable years beginning after December 31, 1979, except that no loss may be carried to a taxable year beginning before January 1, 1980. The amount to be carried back or forward is the amount of loss determined by KRS Chapter 141 and, in the case of multistate corporations, it is the amount determined after apportionment and allocation. Attach a schedule showing the computation of the net operating loss deduction but do not enter more than the corporation's taxable income (see Revenue Policy 41P070). For additional details on carryback and carryover rules, see federal Publication 536, Net Operating Losses. **KRS 141.050**

Line 16—Subtract Line 15 from Line 14.

PART II—INCOME TAX COMPUTATION

Lines 1(a) through (e)—To compute the liability, apply the following rates:

- (a) 4 percent of the first \$25,000 of taxable net income;
- (b) 5 percent of the amount of taxable net income in excess of \$25,000, but not in excess of \$50,000;
- (c) 6 percent of the amount of taxable net income in excess of \$50,000, but not in excess of \$100,000;
- (d) 7 percent of the amount of taxable net income in excess of \$100,000, but not in excess of \$250,000; and
- (e) 8.25 percent of the amount of taxable net income in excess of \$250,000.

Line 2—Add Lines 1(a) through (e).

Short-period Computation of Income Tax—A corporation filing an income tax return for a period of less than 12 months is required to annualize taxable net income. To annualize, multiply taxable net income computed for the short period by 365 and divide by the number of days in the short period. The income tax liability shall be the tax computed on the annualized income multiplied by the number of days in the short period and divided by 365 (see Revenue Policy 41P020). Annualization is not permitted if the return is for the initial or final period of operations. **KRS 141.140**

Line 3—Economic Development Tax Credits. This line should be completed only if the corporation has been approved for one or more of the credits authorized by the Kentucky Rural Economic Development Act (KREDA), the Kentucky Jobs Development Act (KJDA), the Kentucky Industrial Revitalization Act (KIRA), the Kentucky Industrial Development Act (KIDA) or the Skills Training Investment Credit Act (STICA). To qualify for the KREDA, KJDA, KIRA or KIDA credits, the corporation must be approved by KEDFA and have executed and activated the appropriate agreement with KEDFA. To qualify for the STICA credit, the corporation must have received a final authorizing resolution from the Bluegrass State Skills Corporation approving the amount of credit awarded. Form(s) and instructions for the computation of the credit(s) will be mailed to the approved corporation. Information regarding the approval process for these credits may be obtained from the Cabinet for Economic Development, Department of Financial Incentives at (502) 564-7670.

Line 4—Unemployment Tax Credit. If a corporation has hired a Kentucky resident classified as unemployed for at least 60 days and the resident remains in the employ of the corporation for 180 consecutive days during the tax year (a qualified person), the corporation may be entitled to the unemployment tax credit. For each qualified person, a one-time nonrefundable credit of \$100 may be claimed. The period of unemployment must be certified by the Cabinet for Workforce Development, Frankfort, KY, and a copy of the certification must be maintained by the corporation. To claim this credit, Schedule UTC must be attached. **KRS 141.065**

Line 5—Recycling/Composting Tax Credit. A corporation, which purchases recycling and/or composting equipment to be used exclusively in Kentucky for recycling or composting post-consumer waste materials, may be entitled to a nonrefundable credit against the income tax imposed on the corporation by KRS Chapter 141 in an amount equal to 50 percent of the installed cost of the equipment. Application for this credit must be made on Schedule RC, and a copy of the schedule reflecting the amount of credit approved by the Revenue Cabinet must be attached to the corporation's return on which the credit is claimed. The amount of this credit claimed for the tax year may not exceed 25 percent of the income tax liability. **KRS 141.390**

Line 6—Coal Conversion Tax Credit. A corporation which converts boilers from other fuels to the use of Kentucky coal or which substitutes Kentucky coal for other fuels in a boiler capable of burning coal and other fuels to produce energy for specific purposes may be entitled to a credit against corporation income tax equal to 4.5 percent of expenditures for Kentucky coal (less transportation costs). Unused portions of this credit may not be carried forward or back. To claim this credit, Schedule CC must be attached. **KRS 141.041**

Line 7—Enterprise Zone Tax Credit. For employees hired on or after July 14, 1992, a corporation certified by the Kentucky Enterprise Zone Authority as a qualified business may be entitled to a nonrefundable credit against Kentucky corporation income tax equal to 10 percent of wages paid to each employee who has been certified by the Cabinet for Workforce Development as having been unemployed for at least 90 days or having received public assistance benefits, based on need and intended to alleviate poverty, for at least 90 days prior to employment with the qualified business. The credit is limited to \$1,500 per employee, and any unused credit may be carried forward for up to five years. To claim the credit, Schedule EZC must be filed (see Revenue Circular 10C001). **KRS 154.45-090**

Line 8—Subtract Lines 3 through 7 from Line 2.

Line 9—Enter the total of estimated tax payments made for the taxable year.

Line 10—Enter the amount of income tax paid with Form 41A720SL, Application for Six-Month Extension of Time to File Kentucky Corporation Income and License Tax Return.

Line 11—Enter the amount credited to 1998 from Part II, Line 15 of the 1997 income tax return.

Line 12—Enter the license tax overpayment credited to the 1998 income tax liability from Part III, Line 23.

Line 13—If Line 8 is greater than the total of Lines 9 through 12, enter the difference on this line and submit payment.

Line 14—If Line 8 is less than the total of Lines 9 through 12, enter the difference.

Line 15—Enter the portion of Line 14 credited to the 1998 license tax liability in Part III, Line 20.

Line 16—Enter the portion of Line 14 claimed as an estimated tax payment for 1999.

Line 17—Enter the portion of Line 14 (Line 14 less Lines 15 and 16) to be refunded.

PART III—LICENSE TAX COMPUTATION

NOTE: If the Final Return box in Item F has been checked, no license tax is due. Enter -0- on Line 18 and complete Lines 19 through 25, where applicable.

Capital Defined—Capital is defined by KRS 136.070(2) and is not dependent upon the various technical definitions of capital prescribed for accounting, economics or other governmental purposes. Capital includes, but is not limited to, the capital stock accounts, surplus (retained earnings) accounts, intercompany accounts, advances by affiliated companies, borrowed monies (see exceptions in the following paragraph) and all other accounts which represent capital used and employed in the business, such as deferred income or taxes, customer advances and customer deposits. Equity capital required under A.P.B. Opinion 18 shall be included in capital if the corporation records such equity on its books or general ledger. **KRS 136.070(2)**

Do not include those liabilities representing customer trade accounts and trade notes payable, taxes payable, salaries payable and accounts payable. In the case of borrowed monies, the corporation may exclude amounts directly borrowed to purchase inventory, provided the corporation can show that the amounts excluded were specifically used to purchase inventory.

KRS 136.070 provides that the accounts comprising capital shall be reported at the value shown on the financial statement prepared for book purposes, i.e., the value as shown on the year-end general ledger after all closing entries have been made. Amounts from various special purpose balance sheets such as equity, businessman's, tax, etc., are not acceptable.

Line 1—Enter the year-end balance of capital stock from the balance sheet (Form 1120, Schedule L). Capital stock consists of the issued and outstanding capital stock, less treasury stock (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 2—Enter the year-end balance of additional paid-in capital and adjustments to shareholders' equity from the balance sheet (Form 1120, Schedule L) (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 3—Enter the year-end balance of retained earnings—appropriated from the balance sheet (Form 1120, Schedule L) (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 4—Enter the year-end balance of retained earnings—unappropriated from the balance sheet (Form 1120, Schedule L) (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 5—Enter the year-end balance of mortgages, notes and bonds payable in less than one year from the balance sheet (Form 1120, Schedule L). Borrowed monies include short-term borrowing of funds and loans from stockholders (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 6—Enter the year-end balance of advances by affiliated companies from the balance sheet (Form 1120, Schedule L). **KRS 136.070(2)(a)**

Line 7—Enter the year-end balance of mortgages, notes and bonds payable in one year or more from the balance sheet (Form 1120, Schedule L). Borrowed monies include long-term borrowing of funds and loans from stockholders (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 8—Enter the year-end balance, or portion thereof, of all other liability accounts, current and long term, that represent additional capital employed in the business from the balance sheet (Form 1120, Schedule L) (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 9—Enter the year-end balance of intercompany accounts. **KRS 136.070(2)(a)**

Line 10—Enter the year-end balance of all other accounts representing additional capital used and employed in the business from the balance sheet (Form 1120, Schedule L). Include all other unspecified accounts which are reported in the Liabilities and Stockholders Equity section of the balance sheet which are not generally categorized or which may be unique to certain businesses (see Revenue Policy 41P520). **KRS 136.070(2)(a)**

Line 11—Enter monies borrowed to purchase inventory if the corporation can show by evidence submitted with the return that the monies were used to purchase inventory. If a line of credit is used, the Revenue Cabinet will accept the following types of evidence to establish that all or a portion of the borrowed money has been used directly to purchase inventory:

1. A copy of the loan agreement, or other document executed at the time the line of credit is established, stating that the sole purpose of the loan is for purchasing inventory. If such a document is submitted to the Revenue Cabinet, the lesser of the balance of the line of credit at the end of the year or the total cost of the inventory purchased for the year will be excluded from the calculation of capital under KRS 136.070.
2. If the corporation cannot produce documentation that the line of credit is to be used solely for the purchase of inventory, the Revenue Cabinet will allow a pro rata portion of the line of credit balance to be excluded from capital by using a formula to determine the amount of the line of credit reasonably attributable to the purchase of inventory. A copy of the loan agreement or other document executed at the time the line of credit is established must be submitted.
 - (a) The amount of monies borrowed to finance inventory will be determined by multiplying the line of credit balance at the end of the taxable year by a fraction, the numerator of which is cash outlays for inventory during the taxable year and the denominator of which is total cash outlays during the taxable year.
 - (b) Any other formula sufficient to document that all or a portion of the borrowed monies are attributable to the purchase of inventory will be considered by the Revenue Cabinet upon submission.

(See Revenue Policies 41P520, 41P530 and 41P550.)

Line 12—This deduction is available only to a corporation filing a separate entity license tax return which is domiciled in Kentucky and holds stock or securities in other corporations equal to or greater than 50 percent of its total assets (investment ratio). Enter the book value of the corporation's investment in the stock and securities of any corporation in which it owns more than 50 percent of the corporation's outstanding stock. Attach a schedule showing the computation of the investment ratio and a schedule showing the computation of the deduction listing the name of each corporation, percentage of stock owned and the amount of deduction taken. **KRS 136.071**

Line 13—Enter the total of Lines 1 through 12.

Line 14—Enter "100" or the apportionment fraction from Schedule A, Section I, Line 12, if applicable.

Line 15—Multiply the amount on Line 13 by the percentage on Line 14.

Line 16—Multiply the amount on Line 15 by .0021. Enter the result or \$30, whichever is greater. The license tax rate is \$2.10 on each \$1,000 of capital employed in the business in Kentucky or a minimum of \$30. **KRS 136.070(1) and (5)**

Line 17—A corporation with gross income of \$500,000 or less is allowed a credit of \$1.40 per \$1,000 of the first \$350,000 of capital employed (maximum credit \$490) against the license tax. For the purpose of this credit, gross income means total taxable and nontaxable receipts before reduction for cost of goods sold, cost of assets sold or other deductions. **KRS 136.070(a) and Regulation 103 KAR 20:010**

Line 18—Subtract Line 17 from Line 16 and enter the result or \$30, whichever is greater.

Short-period Computation of License Tax—A corporation filing a short-period license tax return resulting from a change in accounting period is required to annualize its license tax liability. To annualize, multiply the license tax liability by the number of months in the short period and divide the result by 12. The license tax liability is not annualized on an initial return. **KRS 136.100**

Line 19—Enter the amount of license tax paid with the application for Six-month Extension of Time to File Kentucky Corporation Income and License Tax Return, Form 41A720SL.

Line 20—Enter the income tax overpayment credited to the 1998 license tax liability from Part II, Line 15.

Line 21—If line 18 is greater than the total of Lines 19 and 20, enter the difference and submit payment.

Line 22—If Line 18 is less than the total of Lines 19 and 20, enter the difference.

Line 23—Enter the portion of Line 22 credited to the 1998 income tax liability in Part II, Line 12.

Line 24—Enter the portion of Line 22 claimed as an estimated income tax payment for 1999.

Line 25—Enter the portion of Line 22 (Line 22 less Lines 23 and 24) to be refunded.

Tax Payment Summary—The payment submitted with Form 720 must be itemized. Enter the amount of income tax payment on the Income line (Part II, Line 13), the amount of license tax payment on the License line (Part III, Line 21), the amount of interest payment on the Interest line, the amount of penalty payment on the Penalty line, and the total payment on the TOTAL line.



Signature—Form 720 must be signed by an authorized corporate officer. **Failure by corporate officers to sign the return, to complete all applicable lines on any required Kentucky form, to attach all applicable schedules including copies of federal forms, or to complete all information on the questionnaire will delay the processing of tax returns and may result in the assessment of penalties.**

TAXPAYER ASSISTANCE

Forms:

Support Services Branch
Revenue Cabinet
200 Fair Oaks Lane
Frankfort, KY 40620
(502) 564-3658
(502) 564-4459 (Forms by fax)
<http://www.state.ky.us/agencies/revenue/revhome.htm>
(Internet)



Information:

Corporation Tax Section
Revenue Cabinet
P.O. Box 1302
Frankfort, KY 40602-1302

Revenue Cabinet
200 Fair Oaks Lane
Frankfort, KY 40620
(502) 564-4581
(502) 564-3058 (Telecommunication Device for the Deaf)



KENTUCKY TAXPAYER SERVICE CENTERS

Information and forms are available from Kentucky Taxpayer Service Centers in the following cities.

Ashland, 134 Sixteenth Street, 41101-7670
(606) 920-2037

Bowling Green, 1502 Westen Street, 42104-3356
(502) 746-7470

Corbin, Falls Road Plaza
1707 18th Street, Suite 5, 40701-8676
(606) 528-3322

Hazard, 233 Birch Street, 41701-2179
(606) 435-6017

Hopkinsville, 105 Hammond Plaza
4011 Ft. Campbell Blvd., 42240-4929
(502) 889-6521

Lexington, 301 East Main Street,
Suite 500, 40507-1556
(606) 246-2165

Louisville, 620 South Third Street
Suite 102, 40202-2446
(502) 595-4512

Northern Kentucky, Turfway Ridge Office Park
7310 Turfway Road, Suite 190
Florence, 41042-1385
(606) 371-9049

Owensboro, Building C, Suite 201
401 Frederica Street, 42302
(502) 687-7301

Paducah, Paducah Bank Building, Suites 302/306
555 Jefferson Street, 42001-1001
(502) 575-7148

Pikeville, 5333 North Mayo Trail, 41501-2913
(606) 433-7675

INTANGIBLE PROPERTY TAXES—The listing period for intangible property is January 1 through May 15 of each year. Each taxpayer is responsible for reporting intangible property subject to ad valorem taxation. The Intangible Property Tax Return, Revenue Form 62A376, and instructions are included in this packet.

TANGIBLE PERSONAL PROPERTY TAXES—The listing period for tangible personal property is January 1 through May 15 of each year. Each taxpayer is responsible for reporting his tangible personalty subject to ad valorem taxation. The Tangible Personal Property Tax Return, Revenue Form 62A500, and instructions can be obtained from the Department of Property Valuation or your local county property valuation administrator's office. A separate form must be filed for each location in Kentucky where you have tangible personal property.